

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF WEST VIRGINIA
HUNTINGTON DIVISION**

JOHN DOE,

Plaintiff,

Civ. Action No. 3:22-cv-00346

v.

**MARSHALL UNIVERSITY
BOARD OF GOVERNORS; and,
DEBRA HART, in her individual and official
capacity,**

Defendants.

CONSENT MOTION TO MODIFY SCHEDULING ORDER

Pursuant to Local Rule 16.1(f), the Parties move to modify the current scheduling order.

The current expert disclosure deadline for Plaintiff is May 18, 2023. However, Plaintiff's position is that due to the nature of the Plaintiff's claims, the reports of the Parties' experts will rely in part on the deposition testimony of the Plaintiff, which has not been taken to date.

Accordingly, the Parties propose¹ that all remaining deadlines be continued by a period of approximately 90 days and that the schedule be modified as follows:

Event	Current Deadline	Proposed Deadline
Discovery requests	June 2, 2023	August 31, 2023
Discovery completion date	July 17, 2023	October 16, 2023
Expert disclosure by party bearing burden of proof	May 18, 2023	August 16, 2023

¹ Defendants' Motions to Dismiss [Docs. No. 9 and 11] and Plaintiff's Motion for Leave to File Amended and Supplemental Complaint [Doc. No. 69] are pending before the Court. The parties are in agreement that the instant Motion shall not act as a waiver of any arguments or positions of the parties concerning the aforementioned Motions.

Expert disclosure by party not bearing burden of proof	June 19, 2023	September 18, 2023
Rebuttal expert disclosures	July 7, 2023	October 5, 2023
Dispositive motions	August 7, 2023	November 6, 2023
Settlement meeting and Rule 26(a)(3) disclosures	August 18, 2023	November 16, 2023
Plaintiff submits pretrial order to Defendants	October 16, 2023	January 16, 2024
Defendants file proposed integrated pretrial order with Court	October 23, 2023	January 22, 2024
Pretrial conference	October 30, 2023	January 29, 2024
Proposed jury charge	November 7, 2023	February 5, 2024
Final settlement conference	November 13, 2023	February 26, 2024
Trial	November 14, 2023	February 27, 2024

At this time the Parties are not requesting modification of any of the other provisions in the Court's Scheduling Order dated November 8, 2022.

Respectfully submitted,

PLAINTIFF JOHN DOE

By Counsel:

/s/ Casey E. Waldeck

Ryan McCune Donovan (WVSB #11660)

J. Zak Ritchie (WVSB #11705)

Casey E. Waldeck (WVSB #14001)

HISSAM FORMAN DONOVAN RITCHIE PLLC

P.O. Box 3983

Charleston, WV 25339

681-265-3802 *office*

304-982-8056 *fax*

rdonovan@hfdrlaw.com

zritchie@hfdrlaw.com

DEFENDANTS MARSHALL

UNIVERSITY BOARD OF

GOVERNORS AND DEBRA HART

By Counsel:

/s/ J. Jarrod Jordan

Perry W. Oxley (WVSB #7211)

J. Jarrod Jordan (WVSB #10622)

Christopher K. Weed (WVSB #13868)

OXLEY RICH SAMMONS, PLLC

517 9th Street, Suite 1000

Huntington, WV 25701

304-522-1138

poxley@oxleylawwv.com

jjordan@oxleylawwv.com

cweed@oxleylawwv.com